

Serial No.: 09/486,538

### **REMARKS**

Claims 1-21 are presently under consideration in the application. Favorable reconsideration of the application is respectfully requested.

#### ***I. REJECTION OF CLAIMS 1-21 UNDER 35 USC §102(b)***

Claims 1-21 stand rejected under 35 U.S.C. §102(b) based on *Oshima et al.* (PCT WO98/25413). Applicants respectfully request that the rejection be withdrawn for at least the following reasons.

*Oshima et al.* is a PCT application published on June 11, 1998.

The present application is a national phase filing based on international application PCT/JP98/03873, filed on August 31, 1998. The present application as well as the PCT application claims priority under 35 USC §119 to Japanese applications JP 9-234320, filed August 29, 1997, and JP 9-334543, filed December 4, 1997. Accordingly, upon perfection of the claim for priority, the present application is entitled to an effective priority date of August 29, 1997 and/or December 4, 1997, both of which predate the publication date of *Oshima et al.*

Submitted herewith is a certified translation of JP 9-334543, filed December 4, 1997. Applicants respectfully submit that JP 9-334543 supports the subject matter of claims 1-21 in the present application. As a result, the present application is entitled to an effective priority date of December 4, 1997. *Oshima et al.* is therefore not prior art against the present application. Withdrawal of the rejection is respectfully requested.

Furthermore, applicants respectfully submit that none of the priority documents of *Oshima et al.* appear to constitute prior art. Thus, neither *Oshima et al.* nor any of its related priority documents represent prior art against the present application.

#### ***II. CONCLUSION***

Accordingly, all claims 1-21 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

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Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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